

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: August 4, 2008
POSITION: Oppose

BILL NUMBER: AB 2783
AUTHOR: G. Plescia

BILL SUMMARY: Assessment and Individualized Education Program

This bill would require local education agencies to: 1) determine whether a pupil in a rate classification 12, 13, or 14 group home or community treatment facility is eligible for special education services; and 2) complete an individual education program for the pupil within 20 administrative working days of the date of a signed special education assessment plan.

FISCAL SUMMARY

By requiring local education agencies to provide the prescribed Special Education services, this bill would create a state-mandated local program with Proposition 98 General Fund costs likely in the millions of dollars (based on the costs of other state-mandated activities; most education mandates cost from a few million to the tens of millions of dollars). At this time we are unable to determine the number of pupils who would be affected or the amount of the additional costs local education agencies would incur to comply with these requirements. Therefore, we are unable to determine what the actual cost would be in detail. The Coalition for Adequate Funding for Special Education preliminarily estimates that this bill could result in reimbursable state-mandated local costs of as much as \$5.9 million.

SUMMARY OF CHANGES

Amendments to this bill since our analysis of the July 1, 2008 version are minor and do not alter our position.

COMMENTS

The Department of Finance opposes this bill for the following reasons:

- The Administration opposes mandating new activities on local government, particularly when the state budget situation is not favorable or conducive to program expansion or a higher level of services.
- The number of eligible pupils and the cost of completing an individual education program plan in 20 administrative days are indeterminable at this time, but would likely create significant Proposition 98 General Fund costs (in the millions).
- The State Department of Education notes a technical flaw in the proposed language, which as drafted could inadvertently require all pupils in the prescribed facilities to receive individual education programs regardless of need.
- Reducing the number of days a local education agency has to develop an individual education program from 60 to 20 days may inadvertently harm the affected pupils due to rushed development of individual education programs. The department indicates many of the children who would receive services through this bill currently receive intensive counseling and use significant medications, thereby making it difficult to determine their individual needs in a shortened time span. As such, the proposed assessment period may not be adequate.
- By requiring an assessment within 20 administrative days, this bill effectively prioritizes the needs of pupils in group homes over other pupils with special needs. Due to the fairly limited timeframe proposed for foster assessments, pupils who otherwise might be a priority under current law may not be assessed as timely, because the focus would have to be on foster kids to comply with the 20-day assessment period. This could cause some hardship.

Analyst/Principal (0333) M. Aguilera	Date	Program Budget Manager Jeannie Oropeza	Date
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Department Deputy Director	Date
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Governor's Office:	By:	Date:	Position Approved _____
			Position Disapproved _____

BILL ANALYSIS	Form DF-43 (Rev 03/95 Buff)
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BILL ANALYSIS/ENROLLED BILL REPORT--(CONTINUED)

AUTHOR	AMENDMENT DATE
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Form DF-43
BILL NUMBER

G. Plescia

August 4, 2008

AB 2783

Current law establishes a 60-day timeframe to perform a special education assessment of a child and develop an individual education program for the child as appropriate. The Special Education program provides students with low-incidence disabilities with a free and appropriate public education for pupils ages 3-22. The Governor's Budget provides \$2.9 billion Proposition 98 General Fund and \$1.1 billion Federal Individuals with Disabilities Education Act funds for Special Education. The current population in rate classification 12, 13, or 14 group homes and community treatment facilities (assuming facilities are operating at capacity) is approximately 6,600. Children placed in these group homes and community facilities likely have serious mental, physical and/or emotional health issues. The actual number of pupils affected by this bill would depend on the number placed in classification 12, 13, and 14 homes or moved between homes each year and the number of these who are eligible for special education services.

AB 497 proposes similar requirements as this bill.

Code/Department Agency or Revenue Type	SO	(Fiscal Impact by Fiscal Year)							
	LA	(Dollars in Thousands)							
	CO	PROP							Fund
	RV	98	FC	2008-2009	FC	2009-2010	FC	2010-2011	Code
6110/Dept of Educ	LA	Yes	Annual mandate costs in the millions.....					0001